



HUMAN RESOURCES DEPARTMENT
FORT BEND COUNTY, TEXAS

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Director of Human Resources

To: Judge Robert Hebert
Commissioner Richard Morrison
Commissioner Grady Prestage
Commissioner Andy Meyers
Commissioner James Patterson

From: Kathy Novosad, PHR
Sr. Human Resources Generalist

Date: June 20, 2016

Subject: Revisions to Employee Information Manual:
Policy 401: Categories of Employment
Policy 409: Job Related Medical Assessments

The Human Resources Department is submitting the attached revisions to the Employee Information Manual. The attachments show the tracked edits to the policies. The following revisions have been made:

Policy 401: Categories of Employment. The definition of temporary employee has been revised to include only those employees who work for 90 days or less. This change to the definition is recommended to avoid a situation where a temporary employee works a long term assignment and would more properly be classified as Part Time. The classification is important because all non-temporary employees must be enrolled in TCDRS to comply with plan requirements.

Policy 409: Job Related Medical Assessments. The revisions to this policy clarify the process for obtaining periodic medical examinations for drivers with a Commercial Driver's License. The revised policy addresses the medical facilities to be used and a process for using an alternate facility if a driver chooses to do so. At this time, the designated facility is the Fort Bend County Employee Health and Wellness Center.

The revised policy is attached. Please contact Kent Edwards or me if you have any questions.

401 - CATEGORIES OF EMPLOYMENT

Section 401.01 Categories

For purposes of salary administration, employment, and other personnel matters, it is necessary to classify employees into certain categories. Elected Officials and Department Heads, with guidance from Human Resources, are responsible to ensure that employees in their office or department meet the criteria of the category of employment to which the employees are assigned.

The definition of the categories of employment are as follows:

1. **FULL-TIME EMPLOYEE:** An employee, exempt or non-exempt, assigned to a full-time budgeted position. Such employees are typically expected to work a minimum of 40 hours per week in fulfillment of their job duties, and are eligible for all County benefits.
2. **PART-TIME EMPLOYEE:** An employee who works a regular schedule of less than 30 hours per week for an indefinite period. Such employees participate in the County retirement program as defined in Section 510 of this manual, but are not eligible for any County benefits except those required by law. Note: In accordance with the Patient Protection and Affordable Care Act (PPACA), any employee who works, on average, 30 or more hours per week is benefit eligible and must be offered medical benefits. Therefore, it is the policy of Fort Bend County that part-time employees shall not be permitted to work 30 or more hours per week without the approval of Commissioners Court through the budgeting process.
3. **TEMPORARY EMPLOYEE:** An employee who is hired to work for a limited timeshort period of time not to exceed 90 calendar days. period or is hired to complete a specified project or assignment. Temporary employees are not eligible for any County benefits, except those required by law. Temporary employees may be employed for three months or less, or may be employed for up to 12 months if their average weekly schedule is less than 30 hours-work any number of hours as needed during the 90 day assignment. At the conclusion of 90 days, the employee should either be terminated or transferred to a part time or full time position. Note that persons hired as "floaters" to work sporadic assignments as needed in various County departments shall be classified as part time employees.
 3. ~~A temporary employee who exceeds the 3 month period and averages 30 or more hours per week shall be reclassified to a full-time or part time position subject to the requirements and limitations of those classifications as discussed above.~~ Persons who are employed in connection with a work program for individuals with intellectual, developmental, or physical disabilities may also be considered classified as temporary employees. ~~Such temporary employees and~~ may be employed for more than 90 days. 12 months, but must work, The employee cannot work 30

or more hours per week, on average, ~~less than 30 hours per week.~~

4. **ELECTION WORKER:** For the purpose of this policy an Election worker is defined as an individual who only performs services for Fort Bend County at polling locations in connection with national, state or local elections. These individuals are not employees of the County, and are not eligible for any County benefits, except those required by law. Individuals hired by the Elections Department to perform duties other than solely working at the polling locations shall be properly classified as full-time, part-time, or temporary employees of the County.

**Section 401.02
Departmental
Responsibility**

It is the responsibility of the elected official or department head to identify the category of employment for each position at the time of hire. Any change in status of an employee that impacts the budget is subject to the normal approval process of the Budget Office and Commissioners Court. Part time and temporary employees who are permitted to work 30 or more hours per week, on average, during a 12 month period must be offered benefits in the following 12 month period, or the County may be subject to federal penalties. Therefore, any costs incurred due to an elected official's or department head's failure to manage the hours worked must be covered by transfer of funds from within the same department or office, and the transfer shall be subject to Commissioners Court approval.

**Section 401.03
At-Will Status of
Employees**

Texas is an "employment at-will" state, and as an employee of Fort Bend County, you have the right to terminate your employment at any time, with or without notice, for any legal reason or no reason. The County also retains the right to change any terms, conditions, benefits, or privileges of employment at any time without notice. No employment contract, either expressed or implied, shall exist between the County and any employee for any duration either specified or non-specified.

Policy Approved and Adopted By:
Fort Bend County Commissioners Court
July 20, 1993
Revised: December 20, 2005
Revised: February 26, 2008
Revised: February 2, 2010
Revised: February 4, 2014
Revised: June 23, 2015
Revised: June 28, 2016

409 - JOB RELATED MEDICAL ASSESSMENTS

Section 409.01 Purpose

Fort Bend County may require employees and candidates for employment to undergo a medical assessment, including tests, screenings and examinations, when deemed appropriate. The purpose of any medical assessment shall be to detect the presence of any physical and/or mental impairment that may affect the individual's ability to safely perform the essential functions of the job with or without reasonable accommodation(s).

It is Fort Bend County's policy to comply with the Department of Transportation (DOT) and Texas Commission on Law Enforcement Officer Standards and Education (~~TCLEOSE~~~~TCOLE~~) requirements for medical assessments.

Section 409.02 Pre-placement Screening

All candidates for employment who have received a conditional offer of employment for one of the below listed positions will be required to undergo a medical assessment. Current employees transferring into these positions may also be required to undergo a medical assessment if they did not undergo a similar assessment when originally hired.

The type(s) of medical assessment may vary depending on the requirements of the position and will be job related and consistent with business necessity.

The following list is non-exhaustive and subject to change without notice:

- Positions that require a Commercial Driver's License (CDL) and/or perform DOT defined safety-sensitive duties (e.g. Equipment Operator and Mechanic)
- Positions with duties that are performed primarily outdoors (e.g. Laborer (including part time and temporary) and CSR Facilitator)
- Positions that require the employee to have contact with medicines or drugs (e.g. Paramedic, Nurse)
- Positions which may pose a risk of physical altercations (e.g. Detention Officer)
- Positions which require frequent contact with animals (e.g. Animal Control Officer, Kennel Technician)
- Positions that require frequent lifting/carrying of heavy objects or climbing, crawling, bending and stooping (e.g. Maintenance Worker, Custodian, Technical Support Specialist, Communication Specialist)
- Positions that require ~~TCLEOSE~~~~TCOLE~~ certification and all positions in the Sheriff's Office (e.g. Deputy, Fire Marshal, Environmental Investigator, Bonding Clerk)

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Section 409.03 Facility

Fort Bend County Human Resources shall coordinate the pre-placement physical process and designate the medical facility(s) to be used. The County may bear the cost of the pre-placement exam if performed in accordance with Human Resources' guidelines.

Section 409.04 Successful Completion and Reasonable Accommodation

Candidates must successfully pass the medical assessment, as determined by the health care provider, relative to the essential functions and physical requirements as listed in the job description. Candidates who seek a second opinion, or who are required to seek additional assessment or treatment prior to placement, will be responsible for any further costs incurred.

Fort Bend County will attempt to provide a reasonable accommodation, if an accommodation is requested, to enable an individual with impairment or disability to perform the essential functions of their position.

Section 409.05 Recertification Physicals (DOT)

~~Employees of Fort Bend County Drivers~~ who hold a commercial drivers license (CDL) and/or operate a commercial motor vehicle (CMV) for public employers in intrastate commerce are exempt from the medical physical assessment requirements of the Department of Transportation (DOT) as per §49 CFR 390.03(f)(3). However, in the interest of driver and public safety, Fort Bend County shall require that employees who may operate a CMV on County business substantially meet the standards of the will follow the medical assessment certification guidelines of §49 CFR 391.41-49. ~~to ensure the safety of employees who operate CMVs. For the convenience of the employee, Fort Bend County Human Resources shall coordinate the recertification exams, and may bear the cost of the recertification exam if performed in accordance with Human Resources guidelines.~~

~~Human Resources will coordinate the medical certification physicals and designate the medical facility to be used. If an employee chooses to use an alternate facility to complete the medical certification, Human Resources and Risk Management reserve the right to require that the employee also obtain certification at the designated facility or other facility as agreed upon by HR, Risk Management, and the employee. The employee will be responsible for costs associated with any certification not completed at the designated facility, and the medical examiner completing the exam must be listed on the National Registry of Certified Medical Examiners (§49 CFR 391.101-115).~~

~~If an employee is deemed medically unfit to operate a CMV and therefore is unable to perform the essential functions of the position, they may be terminated from the position, placed on a leave of absence while seeking treatment, or reassigned if a suitable position is available. Human Resources, Risk Management and the employee's department will work with the employee to determine a course of action.~~

Section 409.06 Safety Concerns

Fort Bend County reserves the right to request an employee undergo a medical assessment if deemed necessary to protect the safety of the employee and/or others. Such assessments will be job related and consistent with business necessity.

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**Section 409.07
Confidentiality**

Any information relating to the results of a medical assessment will be retained in a file separate from the employee's personnel file in the Human Resources Department.

**Section 409.08
Authority**

This policy shall in no way restrict the authority of supervisory personnel to assign tasks to employees under their supervision, which are not specifically listed in the job description.

Policy Approved and Adopted By:
Fort Bend County Commissioners Court
January 31, 2003
Revised: September 30, 2003
Revised: November 20, 2012
Revised: June 28, 2016